REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on January 19, 2010, and the references cited therewith.

No claims are amended, claims 1-95 are canceled, and claims 96-106 are added; as a result, claims 96-106 are now pending in this application.

Applicant respectfully submits that claims 96-106 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Examiner Interview Summary

Applicant and Examiners Sonnett and Ballato conducted a telephone interview on March 17, 2010, concerning the issues relating to the Power of Attorney (POA), Assignment, and claim language of the present application and amendment of the claim language. Applicant and Examiner Ballato appeared to reach agreement on resolving issues related to the POA/Assignment by resubmitting relevant documents having markers of acknowledgment of previous receipt by the USPTO. Applicant and Examiner Sonnett appeared to reach agreement that the replacement claim set overcomes the 102(b), and 102(e)-(g) grounds for rejection of the canceled claim set. Following review of the preceding restriction requirements, Applicant believes that the replacement claim set is within the bounds of the elections made in response thereto. Applicant thanks Examiners Sonnett and Ballato for their time and consideration.

§ 102 Rejection of the Claims

Claim 89 was rejected under 35 USC §102(b) as being allegedly anticipated by Kornberg (U.S. Patent No. 4,562,596). Applicant respectfully traverses the rejection as follows.

Independent claim 89 has been canceled. Applicant's new independent claim 96 recites:

a proximal stent having a proximal end and a distal end, the proximal stent further having a proximal orifice at the proximal end to be located in and when expanded to be supported by a vascular vessel;

at least one distal stent having a proximal end and a distal end;

the proximal stent having at least two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen;

the proximal stent also having at least one distal orifice at the distal end of at least one of the tapering portions which when expanded serves to receive the proximal end of the at least one distal stent;

wherein the proximal stent **and** the at least one distal stent each comprises an expandable stent constructed with a wire skeleton having one or more parts that extends from the respective proximal ends to the respective distal ends to further reinforce the bifurcate lumen; and

wherein a cross-sectional area of the at least one distal orifice when expanded is sufficiently less than that of the proximal end of the at least one distal stent when expanded within the at least one distal orifice so as to at least partially secure together the proximal and distal stents.

From review of the Kornberg reference, Applicant respectfully submits that the reference does not teach a proximal stent having a proximal end and a distal end, the proximal stent further having a proximal orifice at the proximal end to be located in and when expanded to be supported by a vascular vessel, at least one distal stent having a proximal end and a distal end, the proximal stent having at least two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen, the proximal stent also having at least one distal orifice at the distal end of at least one of the tapering portions which when expanded serves to receive the proximal end of the at least one distal stent, where the proximal stent **and** the at least one distal stent each comprises an expandable stent constructed with a wire skeleton having one or more parts that extends from the respective proximal ends to the respective distal ends to further reinforce the bifurcate lumen, and where a cross-sectional area of the at least one distal orifice when expanded is sufficiently less than that of the proximal end of

the at least one distal stent when expanded within the at least one distal orifice so as to at least partially secure together the proximal and distal stents.

Applicant's new independent claim 104 recites:

> a proximal stent having a proximal end and a distal end, the proximal stent being expandable and having a proximal orifice at the proximal end;
>
> first and second distal stents each having a proximal end and a distal end;
>
> the proximal stent having at least two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen;
>
> the proximal stent also having a distal orifice at the distal end of at least one of the tapering portions that when expanded receives at least one proximal end of the first and second distal stents;
>
> wherein each of the proximal **and** distal stents comprises an expandable stent constructed with a wire skeleton having one or more parts that extends from the respective proximal ends to the respective distal ends to further reinforce the bifurcated lumen; and
>
> wherein a cross-sectional area of the at least one distal orifice of the proximal stent when expanded is sufficiently less than the sum of cross-sectional areas of the at least one proximal ends of the distal stent when expanded within the at least one distal orifice, so as to at least partially secure together the proximal and distal stents at the at least one distal orifice when at least one of the distal stents is expanded therein.

In addition, Applicant's new independent claim 106 recites:

> a proximal stent **and** a pair of distal stents each having a proximal end and a distal end, the proximal stent being expandable and having the distal end and a proximal orifice at the proximal end, the proximal stent having at least two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen, the proximal stent also having at least two distal orifices at the distal ends of the tapering portions which when expanded serve to receive the proximal ends of the pair of distal stents, wherein each of the proximal **and** distal stents comprises an expandable stent constructed with a wire skeleton having one or more parts that extends from the respective proximal ends to the respective distal ends to further reinforce the bifurcated lumen, and wherein the cross-sectional areas of the distal orifices of the proximal stent when expanded are sufficiently less than the sum of the cross-sectional areas of the proximal ends of the

distal stents when expanded within the distal orifices to at least partially secure together the proximal and distal stents at the distal orifice when the distal stents are expanded therein.

As such, Applicant respectfully submits that the Kornberg reference does not teach each and every element and limitation of Applicant's new independent claims 96, 104, and 106. Accordingly, Applicant respectfully requests allowance of new independent claims 96, 104, and 106, as well as those claims that depend therefrom.

Claim 89 was rejected under 35 USC §§102(e), (f), and (g) for various reasons pertaining to the interference proceeding concerning Martin (U.S. Patent No. 5,575,817). Applicant respectfully traverses the rejections as follows.

Applicant has canceled independent claim 89. As presented above, Applicant respectfully submits that new independent claims 96, 104, and 106 recite subject matter that is patentably distinguishable from the teachings of the Martin reference.

As such, Applicant respectfully submits that the Martin reference does not teach each and every element and limitation of Applicant's new independent claims 96, 104, and 106. Accordingly, Applicant respectfully requests allowance of new independent claims 96, 104, and 106, as well as those claims that depend therefrom.

Claim 89 was rejected under 35 USC §102(g) because during the course of the interference proceeding priority was established for claims of Fogarty (U.S. Application No. 08/463,836). Applicant respectfully traverses the rejection as follows.

Applicant has canceled independent claim 89. As presented above, Applicant respectfully submits that new independent claims 96, 104, and 106 recite subject matter that is patentably distinguishable from the teachings of the Fogarty reference.

As such, Applicant respectfully submits that the Fogarty reference does not teach each and every element and limitation of Applicant's new independent claims

96, 104, and 106. Accordingly, Applicant respectfully requests allowance of new independent claims 96, 104, and 106, as well as those claims that depend therefrom.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0126 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 31 day of March, 2010.

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